

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **CHAIRMAN KIM GILLAN**, on March 29, 2007 at 4:52 P.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Kim Gillan, Chairman (D)  
President, Mike Cooney (D)  
Sen. Bob Hawks (D)  
Sen. Carol C. Juneau (D)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R))

##### **Members Excused:**

Sen. John Esp (R)  
Sen. Kelly Gebhardt (R)  
Sen. Rick Laible (R)  
Sen. Terry Murphy (R)  
Sen. Mitch Tropila (D)  
Sen. Carol Williams (D)

**Members Absent:** None.

**Staff Present:** Sue O'Connell, Legislative Branch  
Marigail Schreiner, Committee Secretary

**Audio Committees:** These minutes are in outline form only.

They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 590, 3/28/2007  
Executive Action: HB 415, HB 235, HB 425, HB 590

00:00:00 Opening comments by Chairman Gillan

**HEARING ON HB 590**

**Opening Statement by Sponsor:**

00:00:16 **REP. GEORGE EVERETT (R), HD 5**, opened the hearing on **HB 590**, Revise requirements for growth policy.

00:01:26 Sen. Esp arrived

**Proponents' Testimony:**

00:01:59 Russ Crowder, American Dream Montana

00:02:38 Sen. Laible arrived

00:06:43 Charles Lapp, Columbia Falls

00:11:00 Sen. Gebhardt arrived

00:14:15 Rick Breckenridge, Kalispell, representing self

**Opponents' Testimony:**

00:19:47 Linda Stoll, on behalf of the Montana Association of Planners and Missoula County

00:21:55 Sen. Tropila arrived

00:24:14 Gordon Morris, on behalf of Lewis and Clark County

00:25:35 Sen. Murphy arrived

00:26:26 Harold Blattie, Montana Association of Counties

00:29:00 Joe Brenneman, Flathead County Commissioner and Diary Farmer

00:32:40 Tim Davis, Montana Smart Growth Coalition

00:34:39 Mike Kaddis, Mayor, City of Missoula

**Informational Testimony:**

00:35:55 None

**Questions from Committee Members and Responses:**

00:36:21 Sen. Esp to Linda Stoll  
00:37:21 Sen. Esp to Tim Davis  
00:38:19 Sen. Esp to Rep. Everett  
00:40:58 Sen. O'Neil to Linda Stoll  
00:42:58 Sen. O'Neil to Mr. Crowder  
00:45:39 Sen. O'Neil to Joe Brenneman  
00:47:51 Chairman Gillan to Joe Brenneman  
00:48:57 Sen. Laible in response to Sen. Esp's question.

**Closing by Sponsor:**

00:49:54 Rep. Everett  
00:53:11 Chairman Gillan

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**EXECUTIVE ACTION ON HB 415**

00:53:54 **Motion:** SEN. MOSS moved that HB 415 BE CONCURRED IN.

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**Discussion:**

00:54:06 Sue O'Connell  
00:54:19 SEN. MOSS withdrew her motion to do concur in HB 415.  
00:54:22 **Motion:** SEN. MOSS moved that HB 415 BE CONCURRED IN AS AMENDED.

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**Discussion:**

00:54:38 Sen. Laible  
00:55:24 Sen. Esp  
00:56:16 Sen. Hawks  
00:56:48 Sen. O'Neil  
  
00:57:40 **Vote:** Motion carried 6-5 by roll call vote with SEN. ESP, SEN. GEBHARDT, SEN. LAIBLE, SEN. MURPHY, and SEN.

O'NEIL voting no. SEN. MOSS will carry HB 415 on the Senate Floor.

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**EXECUTIVE ACTION ON HB 235**

00:58:58 **Motion:** SEN. GEBHARDT moved that HB 235 BE CONCURRED IN.

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**Discussion:**

00:59:15 Chairman Gillan

00:59:23 **Motion:** SEN. ESP moved that HB 235 BE AMENDED.

00:59:43 **Motion:** SEN. ESP moved to segregate amendment 2 of Amendment HB023501.aso.

01:00:03 **Motion:** SEN. ESP moved that AMENDMENT 1, 3, 4, 5, 6 of Amendment HB023501.aso BE ADOPTED.

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**Discussion:**

01:00:15 Sen. Laible

01:00:22 Sue O'Connell

01:01:44 **Vote:** Motion carried unanimously by voice vote.

01:01:56 **Motion:** SEN. ESP moved that HB 235 BE CONCURRED IN AS AMENDED.

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**Discussion:**

01:02:06 Sen. Esp

01:03:27 Sen. O'Neil

01:05:12 **Motion:** SEN. O'NEIL moved that HB 235 BE AMENDED.

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**Discussion:**

01:05:24 Sen. Esp

01:06:03 Sen. O'Neil to Sen. Esp

01:07:50 Sen. Moss to Sen. Esp

01:08:39 Chairman Gillan

01:08:45 Sen. Hawks

01:09:09 Vote: Motion failed 9-2 with SEN. O'NEIL and SEN. TROPILA voting aye.

01:09:53 Motion: SEN. MOSS moved that HB 235 BE CONCURRED IN AS AMENDED.

Discussion:

01:10:04 Sen. O'Neil

01:10:34 Vote: Motion carried 10-1 with SEN. O'NEIL voting no. SEN. GILLAN will carry HB 235 on the Senate Floor.

EXECUTIVE ACTION ON HB 425

01:14:29 Motion: SEN. ESP moved that HB 425 BE CONCURRED IN.

[EXHIBIT](#)(los67a01)

01:14:41 Motion: SEN. ESP moved that HB 425 BE AMENDED.

Discussion:

01:15:13 Chairman Gillan

01:15:53 Vote: Motion carried unanimously by voice vote.

01:16:25 Motion: SEN. ESP moved that HB 425 BE AMENDED.

[EXHIBIT](#)(los67a02)

01:16:50 Sue O'Connell, LSD

Discussion:

01:17:15 Sen. Hawks to Linda Stoll

01:21:00 Chairman Gillan

01:21:07 Vote: Motion carried unanimously by voice vote.

01:21:15 Motion: SEN. MOSS moved that HB 425 BE CONCURRED IN AS AMENDED.

Discussion:

01:21:33 Sen. Esp

01:22:07 Sen. Tropila

01:22:45 Sen. Hawks

01:23:11 Sen. Laible

01:23:58 **Vote:** Motion failed 5-6 with SEN. GILLAN, SEN. HAWKS, SEN. JUNEAU, SEN. MOSS, and SEN. WILLIAMS voting aye.

01:24:45 **Motion/Vote:** SEN. ESP moved that HB 425 BE TABLED AND THE VOTE REVERSED. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 590**

01:25:10 **Motion:** SEN. ESP moved that HB 590 BE CONCURRED IN.

**Discussion:**

01:25:29 **Motion/Vote:** SEN. O'NEIL moved that HB 590 BE CONCEPTUALLY AMENDED. Motion carried unanimously by voice vote.

01:26:37 **Motion:** SEN. ESP moved that HB 590 BE CONCURRED IN AS AMENDED.

**Discussion:**

01:26:49 **Motion/Vote:** SEN. JUNEAU moved that HB 590 BE TABLED. Motion carried 9-2 with SEN. ESP and SEN. O'NEIL voting no.

**ADJOURNMENT**

Adjournment: 6:21 P.M.

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SEN. KIM GILLAN, Chairman

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MARIGAIL SCHREINER, Secretary

KG/ms

Additional Exhibits:

**EXHIBIT ([los67aad.pdf](#))**